



**AN ACT TO ESTABLISH MNAZI MMOJA HOSPITAL AND OTHER MATTERS
RELATED THERETO**

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ACT NO. 3 OF 2016

I ASSENT

Ali Shein

{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR AND THE CHAIRMAN OF THE
REVOLUTIONARY COUNCIL

25th July....., 2016

**AN ACT TO ESTABLISH MNAZI MMOJA HOSPITAL AND OTHER
MATTERS RELATED THERETO**

ENACTED by the House of Representatives of Zanzibar.

**PART ONE
PRELIMINARY PROVISIONS**

Short title and
Commence-
ment.

1. This Act may be cited as the Mnazi Mmoja Hospital Act, 2016 and shall come into operation on such date as the Minister may by notice published in the Official Government Gazette appoint.

Interpretation.

2. In this Act, unless the context otherwise requires:

"Board" means the Board of Mnazi Mmoja Hospital established under section 5 of this Act;

"Department" means department established under section 17 of this Act;

"Executive Director" means Executive Director of the Hospital appointed under the provisions of section 15(1) of this Act;

"Hospital" means Mnazi Mmoja Hospital established under section 3(1) of this Act;

"Minister" means the Minister responsible for health;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council.

**PART TWO
ESTABLISHMENT AND FUNCTIONS OF THE HOSPITAL**

Establishment
of the
Hospital.

3.-(1) There is hereby established a Hospital to be known as Mnazi Mmoja Hospital which shall be a Government Agency.



(2) The Hospital shall perform its functions under the advise of the Board and supervision of the Minister.

Functions
of the
Hospital.

4.-(1) The functions of the Hospital shall be to:

- (a) serve as referral hospital and provide efficient systems for the delivery of health care;
- (b) assume responsibility for the control and management of any other Hospital as may be vested in the Hospital under this Act or any other written law;
- (c) undertake medical care of outpatients and inpatients in accordance with medical ethics;
- (d) stimulate and promote programs for the improvement or advancement of health and general welfare of the people of Zanzibar;
- (e) assist the Government and other public organizations or institutions in the formulation, implementation, review and revisions of health education programs for the benefit of members of the public;
- (f) equip and manage the Hospital as a national consultant and teaching hospital;
- (g) provide services of a kind normally provided by consultant and teaching hospitals;
- (h) provide services for places and centers of learning education, training and research in health science and any other related subjects as the Board may, from time to time decide;
- (i) provide conducive environment and facilitate the training of health personnel by hospital and allied sciences or any other health training institution;
- (j) provide advisory, consultancy and other services to the Government, Corporations and individuals with respect to the orderly development of medical services, health services and general welfare amenities in Zanzibar;
- (k) undertake, either alone or in association with any other person or body of person within or outside of Zanzibar, the development or production of pharmaceuticals products, medical instruments and equipment;
- (l) provide diagnostic services and services connected with the repair and preventive maintenance of Hospital and laboratory equipment;
- (m) assist the Government and other Public Institutions in the formulation and carrying out of measures connected with quality assurance of health services;



- (n) manage and control the prevention and cure of the emerging infectious diseases for public health importance;
- (o) perform other functions as conferred upon the Hospital by or under any other law;
- (p) collaborate with Universities established in Zanzibar and United Republic of Tanzania and any other recognized training institutions in the education, training and research in medicine, bio-medical and health science fields as well as any ancillary and supportive fields;
- (q) operate, construct, equip, furnish, maintain, manage, secure and repair all its property;
- (r) establish and develop relationships with local, national, regional and international bodies engaged in health care services and similar or ancillary pursuits; and
- (s) do any lawful act or thing that the Board may deem necessary.

(2) In the performance of its functions, the Hospital may enter into agreement with other hospitals, colleges or institutions of health sciences for organizing teaching and research activities and integrating them with clinical works.

PART THREE MANAGEMENT OF THE HOSPITAL

Establishment of the Board.

5.-(1) There is hereby established a Board to be known as the Hospital Advisory Board, which shall work and perform its functions as advisory body for the management of the Hospital.

(2) The Board shall consist of the following members:

- (a) Chairperson who shall be appointed by the President;
- (b) Executive Director of the Hospital;
- (c) Director General of the Ministry;
- (d) Representative from State University of Zanzibar with the knowledge of health science;
- (e) two representatives from private sector; and
- (f) representative from Health Professional Association.



(3) Save for ex-officio, other members of the Board shall be appointed by the Minister upon consultation with responsible institution.

(4) The members of the Board shall appoint one among them to be Vice Chairperson.

(5) State Attorney designated to the Ministry of Health shall be a Secretary to the Board.

Tenure of Board members.

6. A member of the Board other than ex-officio member shall, unless his appointment is sooner terminated or otherwise ceases to be a member, hold office for a period of three years from the date of his appointment, and may be eligible for reappointment for another term.

Cessation of membership.

7. A member of the Board shall cease to hold office if he:

- (a) becomes unable to perform the functions of his office;
- (b) commits misbehavior or misconduct;
- (c) is convicted of a criminal offence involving fraud, dishonesty or moral turpitude;
- (d) fails to disclose his interest in issue discussed in a meeting;
- (e) absents himself from three consecutive meetings without the leave of the Chairman;
- (f) resigns by giving written notice to the appointing Authority and the reason thereof;

(g) dies.

Functions of the Board.

8. The Board shall perform the following functions:

- (a) to advise on the appointment, terms and conditions of service and termination of senior staff including heads of the Departments and other employees of the Hospital, as it may be deem necessary;
- (b) to advise the establishment of departments or divisions as it may deem necessary;
- (c) to propose policies, business strategies, annual monitoring plan and review for their implementation;
- (d) to monitor and supervise performance;
- (e) to ensure the financial viability of the Hospital;
- (f) to ensure that the Hospital services are responsive to the priority needs of Hospital care of the people it serves and ensure the provision of equitable access to care;



- (g) to ensure the Hospital fulfills the teaching and research requirements of health and allied sciences;
- (h) to ensure the Hospital meets its responsibilities to the Ministry of Health;
- (i) to propose conditions for service delivery and staff development plans to be prepared by the management within the financial resources of the Hospital in line with the Public Service Act and other related laws;
- (j) to recommend on the Hospital's financial policies, annual budget submitted by the management, monitoring and review of financial statements and major expenditure subject to the Public Finance Act;
- (k) to provide guidance and advice to the Hospital management;
- (l) to recommend the enactment of the Hospital Service Regulations;
- (m) to monitor and promote standards and quality of hospital services by taking active interest in the welfare of patients and promotes medical ethics at all levels in the Hospital;
- (n) to establish committees which it considers necessary to fulfill its responsibilities;
- (o) to recommend to the Minister for his approval of sitting allowances for Board or any of its Committees; and
- (p) to do any lawful act or thing which is necessary for the better carrying out of its functions or as directed by the Minister or as provided in this Act.

Meetings
of the
Board.

9. -(1) The Chairperson shall preside over at every meeting of the Board, in the absence of the Chairperson, the Vice Chairperson shall preside over the meetings and in the absence of the Vice Chairperson, the members present shall appoint one amongst them to preside over the meetings.

(2) The Board shall ordinarily meet at least once in every three months for the transaction of its business, and in case of emergency, the Board may meet any time.

(3) The Chairperson may at any time call a special meeting of the Board, upon a written request by a majority of the members, save that those meetings should not exceed the quarterly meetings.

(4) The decision of the Board shall be determined by majority of votes of the members present and voting, and in the event of an equality of votes, the Chairperson shall have a casting vote.



Quorum
of the
meetings.

10. More than half of the total number of members shall form a quorum for a meetings of the Board.

Procedures
of the
Board.

11. The Board may regulate its own procedures of conducting the meetings.

Allowances.

12. The members of the Board shall be entitled to such allowances as the Minister may determine.

Minutes
of
meetings.

13. The Secretary shall record and keep minutes of all business conducted or transacted in the meeting of the Board, which shall be read and confirmed by the Board at the next meeting and signed by the Chairperson and Secretary.

PART FOUR EXECUTIVE DIRECTOR AND OTHER STAFF

Appoint-
ment of
Executive
Director.

14.-(1) There shall be Executive Director who shall be appointed by the President.

(2) The Executive Director shall be Chief Executive Officer of the Hospital and shall be responsible for the day to day functions of the Hospital.

Qualifica-
tions of
Executive
Director.

15. A person shall qualify to be appointed as Executive Director if he:

- (a) is a Zanzibari;
- (b) holds at least a masters degree from any recognised University in medical, public health or management;
- (c) has at least ten years working experience; and
- (d) has high level of competence to manage efficiently and effectively the affairs of the Hospital.

Duties of
the
Executive
Director.

16.-(1) The Executive Director shall perform the following duties:

- (a) to manage the affairs of the Hospital in an efficient and quality services reflective manner;
- (b) to supervise all income, expenditure and revenue provided to the Hospital in accordance with relevant laws;
- (c) to oversee and promote the performance of the Hospital in all of its functions including:
 - (i) the administration and day to day operations of the Hospital;
 - (ii) the management of funds, property and business of the Hospital;



- (d) to report on activities of the Hospital to the Board; and
- (e) to perform any other functions and exercise any powers conferred upon him by the Minister under this Act.

(2) The Executive Director may delegate any of his duty to a director or senior officer of the Hospital.

Establishment of the Departments.

17.-(1) There is hereby established the Departments of the Hospital as follows:

- (a) Department of Clinical Services;
- (b) Department of Training and Research;
- (c) Department of Administration, Human Resources and Finance;
- (d) Department of Pharmaceutical Services;
- (e) Department of Engineering;
- f) Department of Diagnostic Services.

(2) The Hospital may establish any other Department or Unit as may deem necessary.

Appointment of the Directors of the Departments.

18.-(1) The Board may upon the recommendation of the Executive Director, advise on the appointment of Directors of the departments in accordance with the provisions of the Public Services Act.

(2) The Directors shall be answerable to the Executive Director in the exercise of their functions.

(3) The Director appointed under the provisions of sub section (1) of this section, shall be responsible for the functions, including assisting and supervision of his respective Department.

Hospital Management Committee.

19.-(1) There shall be a Committee to be known as Hospital Management Committee.

(2) The Hospital Management Committee shall be composed of the following members:

- (a) The Executive Director who shall be the Chairperson;
- (b) Directors of the Departments;
- (c) Chief Accountant;



- (d) Chief Internal Auditor; and
- (e) Matron of the Hospital.

(3) State Attorney of the Hospital shall be the Secretary to the Committee.

Duties and
functions
of the
Hospital
Management
Committee.

20. The Hospital Management Committee shall have duties and functions to:

- (a) support the Executive Director in fulfilling his role and responsibilities by ensuring that policies, plans and decision of the Board are executed;
- (b) provide skilled and energetic leadership in order to fulfill the goals and vision of the Hospital;
- (c) oversee the management and delivery of the Hospital services in accordance with protocols and standards of the Hospital and Ministry's policies.
- (d) support and supervise heads of units by ensuring that they have the necessary authority and capacity to manage their units and shall be fully accountable for the performance of their units.
- (e) ensure proper financial management including preparation of the department budgets and decision making on the expenditure within the approved budget;
- (f) prepare and recommend plans, policies or guidelines for the consideration of the Board;
- (g) recommend the overall staffs establishment in collaboration with heads of the units and propose organizational structure for the Executive Director approval and transmission of the same to the Board;
- (h) make proposals to the Executive Director on matters relating to the conduct of the business and activities of the Hospital; and
- (i) perform such other functions as may be delegated to it by the Executive Director under this Act.

Staff of
the
Hospital.

21.-(1) The Hospital may, upon such terms and conditions employ or appoint such staff or hire services of such consultant or expert as may be necessary for proper performance of functions of the Hospital.

(2) Recruitment of the professional and supportive staff shall be made in accordance with the provisions of the Public Service Act and its Regulations.

(3) The existing staff of the Hospital shall continue to work and be deemed to be the staff of the Hospital employed under the provisions of this Act.



PART FIVE FINANCIAL PROVISIONS

Funds of
the
Hospital.

22. There shall be funds and resources for the Hospital which shall consist of:

- (a) sum of monies as may be approved by the House of Representatives in the form of subvention;
- (b) donations, grants, fees, charges, advances and loans as the Hospital may, from time to time, receive from any person or organization; and
- (c) any other monies that may vest or accrue, whether in the course of its operation or otherwise.

Retention
of monies.

23. The Hospital may retain certain percentage of monies collected from the services rendered upon approval of the Minister responsible for Finance.

Application
of Public
Finance Act

24. The Public Finance Act and other laws relating to public funds, shall apply in all financial transactions and affairs of the Hospital.

PART SIX MISCELLANEOUS PROVISIONS

Immunity.

25. A member of the Board, staff or other person in the service of the Hospital shall not be held personally liable for an act, matter or thing done or omitted to be done in good faith in the course of performance of his duty under this Act.

Transfer
of assets
and
liabilities.

26. Assets and liabilities which were vested in the Hospital before this Act shall, immediately after coming into operation of this Act, be vested in the Hospital subject to all interests, liabilities, charges, obligations and trust affecting those properties.

Free health
services.

27.-(1) The Hospital shall continue to provide free health services to inpatient and outpatient in accordance with the policy and guidelines of the Ministry.

(2) Without prejudice to subsection (1) of this section, the Executive Director may, after consultation and agreement with the Minister, provide a manner which a patient may share cost to certain health services provided by the Hospital.

Regulations.

28.-(1) The Minister may make Regulations for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1) of this section, the Minister may make Regulations on matters including:



- (a) programs for the improvement of health and general welfare of the people;
- (b) procedures for services of teaching hospitals;
- (c) conditions for places and centers of learning education, training and research in health sciences including anatomy, pathology and any other related subjects; and
- (d) procedures for diagnostic services and other related services.

Passed by the House of Representatives of Zanzibar on 29th June, 2016

**RAYA ISSA MSELLEM
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR**